

## **Exhibit A**

### **Administrative Record**

**§n(4)**

**San Leandro Planning Commission  
Statement of Paul Gantt**

Good evening ladies and gentlemen. My name is Paul Gantt and I am the President of Safety Compliance Management located in San Ramon. I have been asked to review the health and safety issues associated with the approval of the Faith Fellowship church location at 14,600 Catalina Street in your city. My background and experience make me well suited for such an evaluation and include the following qualifications.

I spent approximately 15 years in the Fire Service, working in 4 jurisdictions and holding various ranks from Firefighter/Paramedic, Fire Training Officer, Battalion Chief, Fire Marshal, and Deputy Fire Chief. Since 1992 I have been the owner and President of my firm, one that provides occupational and environmental health and safety services including training and consultation programs. Additionally, we work with numerous businesses around the country to help them comply with the various regulatory requirements including those involving hazardous materials and wastes. I am also qualified as an expert witness in a number of areas and in this capacity I provide testimony and services in a number of states throughout the country on topics related to safety, hazardous materials, and regulatory compliance. I am a Certified Safety Professional and a Cal-EPA certified Registered Environmental Assessor. And finally, I am a frequent speaker at national conferences on the subject of hazardous materials, safety programs and related safety systems.

As part of my work on this project, I spent time touring the area in question and made note of the general conditions of the neighborhood including the relatively new fire station just across the street from the property in question. I also reviewed some of the correspondence from the City regarding the placement of the church in the area and took under advisement the concerns that were expressed. Based on those concerns, I obtained records of the sites referenced in the documents and reviewed them in some detail in my attempt to develop an understanding of the issues expressed in the staff reports. Based on that review I am forced to conclude that the issues identified should not, in my opinion, compel the City to deny the request to allow the church to be sited at the Catalina Street location. My rationale is as follows:

The presence of a Hazardous Materials Business Plan (HMBP), sometimes referred to as a Hazardous Materials Management Plan, does not in itself identify sites that

are significantly hazardous. The HMBP is a document that is filed when minimum amounts of hazardous materials are present on the site. Those minimum amounts include as little as 1- 55 gallon drum of a liquid material such as oils, or 200 cubic feet of gases, less than the amount found in one standard welding unit. As one can see, these amounts are actually quite small and such materials can be located in buildings that are ordinary occupancy classes such as manufacturing, warehousing, dry cleaning, etc. These buildings are not classified by the Building Codes as "H" or Hazardous occupancy groups. In fact, it would not surprise me if we found that a number of businesses located very near to where we are currently meeting have an HMBP on file with the City.

Further, the filing of an HMBP by a particular business imposes conditions on that business to provide a program to safely manage the materials that are present. Such sites are required to have programs to secondarily contain materials that might leak and to keep them from spreading, to have equipment and trained personnel on site to manage and handle the materials in a safe and compliant manner on a daily basis, to ensure that all hazardous wastes are promptly and timely removed from the site, and to have programs in place to handle an emergency at the site to protect the employees, and without creating an impact on other businesses that might be in the area. Additionally, as the amounts of materials present on any given site increase, or as materials that are more hazardous are introduced to the site, the requirements associated with the safe storage and handling of these materials also increase in an effort to ensure the continued safety of the employees of the business, and of the surrounding community.

As someone who has personally prepared and approved hundreds of such documents, I am confident that a properly managed program such as the one in your City, would be such that additional concerns to the surrounding areas would be minimal. I express my confidence in your program not simply on the basis of what I believe should be the case, but also on my personal knowledge of your staff. You see, it is my staff members and I who provide the annual training and recertification of your City Hazardous Materials staff at the ABAG Training Center.

As for the specifics of the materials present in the neighborhood, I found that it is very similar to other normal business areas that are found in most communities. There is a combination of combustible materials such as glycol, a material found in antifreeze, various types of oils and lubricants, cylinders of Propane that are used to power forklift trucks (the same flammable gas that powers our home barbeques),

and a host of gases such as Argon, Helium, Nitrogen, Oxygen, and Acetylene. While these and other substances that are present can pose a hazard, the various layers of regulations from those in the California Fire Code, to the Cal-OSHA regulations found in Title 8, as well as the locally adopted codes including the filing of an HMBP, mandate that safety systems be in place to protect the employees at the site, visitors who frequent the site, and the surrounding areas. And as I mentioned earlier, as the hazards of the materials increase, so do the requirements to provide additional safety systems to ensure that these materials do not present an unreasonable hazard.

And, your systems work to protect those who work or congregate in those areas where such materials are found. For example, if we assume normal densities of employment in the area in question, it is likely that during weekdays, there are probably a couple of thousand employees within a quarter mile radius in this industrial park. The good news is that those employees who are there on a daily basis are protected with the same safety systems that would protect those attending Faith Fellowship when it is in operation. That is after all, the purpose of the hazardous materials safety regulations that are enforced by the City and its staff.

As I conclude my testimony before you, I would be remiss to not point out one more fact. That is, that my family and I regularly attend Crosswinds Church in Dublin. Crosswinds is a so-called “mega church” with attendance of several thousand people. The Crosswinds facility is located in an industrial building that is also located in an industrial park. Within close proximity to my church site are some of our clients who have hazardous materials equal to, and in some cases more hazardous than, many of those that I reviewed in my work on this project. I also know of several other large congregations that meet in other industrial areas in Livermore and Pleasanton. Such uses are indeed compatible with the neighborhood when that community has the well-established and well-managed programs that you have in your city. I believe that you would be well within your discretion to allow the project to move forward.

Thank you for your time. I would be happy to answer any questions that you might have.

E.g. 1/4 mile radius contains 125 acres. Even at a 10% floor area ratio (allowing for streets, tracks, etc.) that is 544,500 sq. ft. of building. At only one employee per 250 sq. ft. (well below the prior user) that would mean 2178 employees within 1/4 mile.